

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:13-CV-210-BO

RELIASTAR LIFE INSURANCE COMPANY,)
)
Plaintiff,)
)
v.)
)
JOHN B. LASCHKEWITSCH,)
)
Defendant.)

ORDER

This matter is before the Court on defendant's motion to strike plaintiff's reply at DE 118 [DE 124] and defendant's motion for reconsideration [DE 120]. The reply memo to which defendant takes objection [DE 118] concerned an issue which was ruled on by this Court on April 13, 2014. [DE 130]. Therefore defendant's motion to strike the reply is now moot and is accordingly DENIED AS MOOT.


Defendant seeks reconsideration under FED. R. CIV. P. 60(b)(6) of this Court's March 6, 2014 order [DE 100] denying defendant's motion regarding sufficiency of plaintiff's answers and objections [DE 65]. "Although Rule 60(b)(6) is a catchall provision which allows a court to grant relief for any reason, case law limits the reasons for which a court may grant relief under Rule 60(b)(6)." *Dowell v. State Farm Fire & Cas. Auto. Ins. Co.*, 993 F.2d 46, 48 (4th Cir. 1993). "[I]ts context requires that it may be invoked in only 'extraordinary circumstances' when the reason for relief from judgment does not fall within the list of enumerated reasons given in Rule 60(b)(1)-(5)."¹ *Aikens v. Ingram*, 652 F.3d 496, 500 (4th Cir. 2011) (en banc). Here,

¹ Federal Rule of Civil Procedure 60(b) provides in full: "*Grounds for Relief from a Final Judgment, Order, or Proceeding.* On motion and just terms, the court may relieve a party or its legal representative from a final

defendant offers no extraordinary circumstances that justify relief from judgment. Defendant simply maintains that the Court came to the wrong conclusion in analyzing his earlier motion. Indeed, defendant spend the majority of his supporting brief for this motion going through the same evidence making exactly the same arguments that he made in his earlier motion. Defendant has pointed to no reason for relief under Rule 60(b)(6) much less an extraordinary circumstance. Accordingly, his motion is DENIED.

SO ORDERED.

This the 24 day of April, 2014.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE

judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief.